

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

Kevin Turner and Shawn Wooden,
*on behalf of themselves and
others similarly situated,*

Plaintiffs,

v.

National Football League and
NFL Properties LLC,
successor-in-interest to
NFL Properties, Inc.,

Defendants.

THIS DOCUMENT RELATES TO:
ALL ACTIONS

No. 2:12-md-02323-AB

MDL No. 2323

Hon. Anita B. Brody

Civ. Action No. 14-00029-AB

**CO-LEAD CLASS COUNSEL'S MOTION TO STRIKE OR DISREGARD
ALEXANDER OBJECTORS' UNAUTHORIZED SUR-REPLY
"RESPONSE AND OBJECTION" TO FEE PETITION REPLY PAPERS
OR, ALTERNATIVELY, TO ACCEPT CLASS COUNSEL'S SUR-SURREPLY**

Co-Lead Class Counsel respectfully move to have the Court strike from the record or to disregard the Alexander Objectors' April 21, 2017 "Response and Objection to Supplemental Evidence Offered in Co-Lead Class Counsel's Omnibus Reply in Opposition to Co-Lead Class Counsel's Petition for an Award of Attorneys' Fees Reimbursement of Costs and Expenses, Adoption of a Set-Aside of Each Monetary Award Derivative Claimant Award, and Case Contribution Awards for Class Representatives" (ECF No. 7533), including the accompanying Declaration of Jamshid Lotfi, M.D., FRCP (London) (ECF No. 7533-1) (collectively, the

“Response and Objection Sur-Reply”). The Response and Objection Sur-Reply was filed, without prior leave of this Court, eleven days after the close of briefing (in accordance with the schedule set forth in the Court’s March 8, 2017 Order [ECF No. 7261]) on Co-Lead Class Counsel’s petition for an award of fees and reimbursement of expenses (ECF No. 7151) (“Fee Petition”).

In the alternative, Co-Lead Class Counsel respectfully request that the Court accept, as Class Counsel’s sur-surreply, the substantive response to the unauthorized Response and Objection Sur-Reply that is set forth in Section II.B of the accompanying memorandum of law) in order to cure the prejudice that would otherwise result from the Alexander Objectors slipping in the last word on the Fee Petition.

The reasons supporting the instant motion are more fully set forth in the accompanying memorandum of law. A proposed Order is submitted herewith.

Dated: May 5, 2017

Respectfully submitted,

/s/ Christopher A. Seeger
Christopher A. Seeger
SEEGER WEISS LLP
77 Water Street
New York, New York 10005
cseeger@seegerweiss.com
(T) 212-584-0700
(F) 212-584-0799

Co-Lead Class Counsel

Sol Weiss
ANAPOL WEISS
One Logan Square
130 N. 18th St. Ste. 1600
Philadelphia, PA 19103
(T) 215- 735-1130
(F) 215-735-2024
sweiss@anapolweiss.com

Co-Lead Class Counsel

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on all counsel of record via the Court's ECF system on May 5, 2017.

/s/ Christopher A. Seeger
Christopher A. Seeger